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Advancement of women

Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Letter dated 4 October 2004 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly

On behalf of the Executive Board of the International Research and Training Institute for the Advancement of Women (INSTRAW) and in accordance with article III (3) (d) of the Statute of the Institute, I have the honour to inform you of the following:

1. On 1 October 2004, the Executive Board of INSTRAW met to review the progress made by the Institute in 2004 and the proposed work plan and core budget for 2005;

2. The Executive Board took note of the wide range of activities undertaken in 2004 within the framework of the four areas identified in the Strategic Framework (see annex I and documents E/2004/66 and A/59/313) and was satisfied with the progress made by the Institute over such a short period;

3. The Executive Board considered the financial situation of INSTRAW as well as the proposed work plan and budget for 2005. The Board endorsed the results-based format and unanimously approved the work plan and the budget, but pointed out that the Institute's Trust Fund did not contain sufficient resources to meet its financial requirements;

4. The Executive Board of INSTRAW recommends that the General Assembly should support the activities of INSTRAW and calls on it to provide financial assistance to the Institute, as described in its work plan and projected costs contained in the attached document (annex II).

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On behalf of the Executive Board, I should be grateful if you would have this information, as well as the aforementioned attached documents, circulated as a document of the General Assembly so that it can be considered and discussed by the Third Committee under items 98 and 99 of the agenda.

(*Signed*) Juan Antonio **Yáñez-Barnuevo**

Annexes to the letter dated 4 October 2004 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly

[Original: English]

Annex I

Executive Board
Resumed First session
New York, 1 October 2004
Item 4 of the provisional agenda

Implementation of the programme of work for 2004

Progress report on the International Research and Training Institute for the Advancement of Women

Report by the Director of the Institute*

I. Introduction

1. The strategic framework for 2004-2007 was approved by the Executive Board of INSTRAW at its first session held on 27 July 2004. Information on the implementation of the programme during the period December 2003 to July 2004 is covered in the Report of the INSTRAW Director submitted to ECOSOC (E/2004/66) and the Report of the Secretary-General submitted to the General Assembly (document A/59/313). The present report covers the period from 28 July to 30 September 2004

II. Executive direction and management

2. During the period under review, the Director has continued efforts to revitalize the Institute. Due consideration has been given to the recommendations received from the Office of Internal Oversight Services (OIOS) audit conducted on the Institute (doc A/56/907 of 11 April 2002).

3. The OIOS observations on the Institute's governance and autonomy were duly addressed by the General Assembly's endorsement of the recommendations made by the Working Group on the Future Operation of INSTRAW. The role and responsibilities of the Under-Secretary-General for Economic and Social Affairs with regard to INSTRAW have been clearly established in Article III of the INSTRAW Statute (Recommendation No. 1). The Institute's autonomous status has been ratified (Recommendations No.2 and 3). The Executive Board was officially constituted and held its first meeting on 27 July 2004 at the United Nations Headquarters in New York (Recommendation No.4). Resolutions A/57/580 and A/58/649 the General Assembly provided INSTRAW with the complementary funding required to ensure the Institute's core operations during 2003 and 2004; (Recommendation No.5).

4. The Institute's website has been restructured. As per consultations between the Department of Economic and Social Affairs (DESA) and the OIOS, further evaluation of GAINS is no longer considered outstanding (Recommendation No.6).

5. The Executive Board of INSTRAW approved the strategic framework. The Institute developed a draft strategic framework and an outline of projects that

* Originally issued as an INSTRAW document.

were presented for the consideration of donors during 2004, and which included the development of a portfolio of projects based on lessons learned and the interests of donors (Recommendation No. 7).

6. As requested in OIOS (recommendations No. 8 and 9), the INSTRAW strategic framework is based on the principles and objectives set forth by (a) General Assembly and ECOSOC Resolutions; (b) Convention on the Elimination of All Forms of Discrimination Against Women; (c) Beijing Platform of Action; (d) Outcome document of Beijing+5; (e) the Millennium Development Goals (MDGs) as well as other platforms of action emanating from conferences dealing with food security, human rights and sustainable development.

7. The Director of the Institute has approached donors, governments, private sector and international banks in order to identify donors' interest. On this basis, a work plan for 2005 has been formulated and will be implemented during the coming year.

8. Upon the arrival of the Director in December 2003, the services of consultants at INSTRAW have been contracted in full compliance with the guidelines set forth in Administrative Instruction ST/AI/1999/7 (Recommendations No. 10 through 13).

9. Due consideration was also given to the recommendations of the interim audit conducted by the United Nations Board of Auditors at INSTRAW in May 2003. In this regard, the Institute can report that all recommendations resulting from that audit have been fulfilled. In summary, these are as follows:

(a) INSTRAW has undertaken the changes required to comply with the Working Group recommendations on the restructuring of INSTRAW;
(b) Regular reconciliation of INSTRAW financial operations is being made by the Accounts Division of OPPBA;
(c) The Accounts Division of the United Nations Headquarters has addressed the Auditors' observation with regard to the recording of in-kind contributions made by the Host Government;
(d) Preliminary arrangements have been initiated with e-training institutions in order to identify e-training opportunities. INSTRAW will map e-training activities on gender to assess opportunities to support the undertaking of e-training activities; and
(e) The establishment of an electronic database of experts has been included in INSTRAW Strategic Framework 2004-2007 and will be developed according to the availability of resources.

10. In order to comply with the Report of the Secretary General (document A/53/500) on the efficient use of resources in a results-based manner while adhering to the principles of transparency and accountability, INSTRAW is in the process of implementing a results-based management approach. INSTRAW staff participated in a workshop to establish guidelines for planning and the implementation of activities under this approach. An expert formerly from the Pan American Health Organization (PAHO/WHO) facilitated the workshop.

11. In line with recommendations received from the Executive Board and the Strategic Framework 2004-2007 approved by the Executive Board at its first session, and in accordance with the results-based management approach, the Institute's Work Plan and Operational Budget 2005 was developed for presentation to the Board at its resumed session on 1 October 2004.

12. During the period under review, the Director continued efforts to strengthen partnerships between INSTRAW and civil society. In this regard, a series of meetings was held with representatives of civil society organizations in the Dominican Republic at the Institute's headquarters. The purpose of this meeting was to establish cooperative mechanisms and promote activities related to Beijing+10, the Millennium Development Goals (MDGs) and Security Council resolution 1325.

13. The Director represented the Institute at an International Seminar of Parliamentarians on "The 60th Anniversary of the United Nations: Challenges and Perspectives for the Twenty-first Century" held 18-19 August 2004 in Mexico. The Seminar was organized by the Foreign Relations Commission of the Mexican Chamber of Representatives, the Mexican Senate, the United Nations System in Mexico, the Konrad Adenauer Stiftung Foundation, and El Colegio de Mexico. The Director participated with a presentation on the challenges and perspectives of gender issues in the United Nations.

14. The Director continued with efforts to reposition INSTRAW and regain credibility in addition to seeking funding through visits with authorities from governments, civil society and the private sector in France and the United Kingdom. She participated in

the Regional Meeting on Beijing+10 in Bangkok, and in the Internationa Seminar "Coexistence in the Euro-Mediterranean Space" in Madrid, Spain.

III. Research

15. During the period under review, the Institute identified resources on gender and armed conflict and peace processes which will be posted on the website.

16. The research proposal in the area of conflict resolution aims to examine the issue from two perspectives: the impact of conflicts on women, and women's roles in conflict resolution. This research will result in new information and materials that will be made available through the Institute's website.

17. In further consideration of this issue, INSTRAW initiated activities on gender and security during the period under review. It strengthened relations with the United Nations Department for Disarmament Affairs (DDA) and began to create a platform for future capacity-building, research projects and on-line discussion on gender and security issues.

18. On the issue of gender and ICTs, INSTRAW is strengthening this line of research through the elaboration of case studies aimed at identifying strategies for achieving equal access by both women and men to ICTs reducing the digital gender gap.

INSTRAW's internship programme

19. As reported in documents E/2004/66 and A/59/313, the Institute has successfully reinstated its internship programme. During the period under review, the Institute received two additional interns coming from universities in Germany and Italy. The interns assisted in the collection and preparation of information materials conducting Internet research in support of the Institute's process of developing the framework for a new working method based on new information and communications technologies.

Volunteer Programme

20. The Institute also initiated a volunteer programme in which professionals may lend their services to INSTRAW in its various areas of work. During the period under review, two volunteers participated in this programme. One, an expert in communications media, assisted in the preparation of communications materials and presentations. The other, an expert in legal matters, assisted the Institute in the collection of materials on gender, international law and migration. INSTRAW has also benefited from the voluntary services of an expert editor in Spanish who, on occasion, has edited the Institute's publications in that language.

Inter-agency activities

21. In the host country, INSTRAW participated on a regular basis in inter-agency meetings of the United Nations system, including meetings of the thematic group on gender issues. Regarding the latter, INSTRAW undertook special efforts to strengthen the gender analysis capacity of the group's members. INSTRAW also contributed to the inclusion of gender perspectives throughout the report on the Millennium Development Goals (MDGs) prepared by the UN system in the Dominican Republic.

22. INSTRAW in coordination with the Inter-Agency Group on Gender Issues of the UN system in Santo Domingo, is carrying out a pocess of meeting with the Women's Secretariat, women parliamentarians, civil society and government representatives to discuss the process for engendering the Millennium Development Goals (MDGs).

IV. Information and communications

23. In September 2004, INSTRAW organized a workshop with the support of an expert, formerly of PAHO/WHO, in order to re-define the networks necessary for the implementation of the Institute's Strategic Plan.

24. During the period under review, measures were taken to consolidate and expand the website in line with the plan of action, particularly the Spanish and French sections.

25. Actiyities to update the website with special collections of resources were initiated with the addition of the Special Collection of Resources on Gender and Ageing. Other topics to be included in future Special Collections include: conflict and conflict resolution, environmental management and sustainable development, ICTs, men's roles in ending gender-based

violence, and men's roles in women's sexual and reproductive health. In addition, as part of the commemoration of the 10th anniversary of the Beijing Declaration and Platform for Action, information and materials on the 12 Critical Areas of the PfA are to be added to the website.

26. A CD is being developed containing a promotional clip on INSTRAW, its Strategic Framework, challenges of INSTRAW. This CD is designed for use in information activities and exhibits, and will also be posted on the website as an introduction to INSTRAW's work.

V. Capacity Building

27. The Institute developed a project proposal on "Increasing Indigenous Women's Connectivity for Development in the Americas" which was submitted to the Institute for Connectivity in the Americas (ICA). The project aims to build capacity, through increased connectivity, among indigenous women so that they may take control of their own development and play a greater role in local/municipal and national governance and politics.

VI. Administration and Support Services Unit

A. General support services

28. Under the overall guidance of the Institute's management, the Administration and Support Services Unit has continued to provide all the financial, administrative and logistical support required for the general operations of INSTRAW.

B. Staffing resources

29. To supplement the Institute's human resources provided by the core staff (4 professional level posts, 5 general service level posts) the Institute has recurred to other means for increasing its capacity.

30. One such means has been through the United Nations Volunteers Programme (UNV). As previously reported, INSTRAW had already received the services of one volunteer with expertise in gender issues and ICTs. At present, the Institute has also received the services of another UNV volunteer with expertise in training and gender issues.

C. Financial aspects

31. As at 1 January 2004 the opening balance of the INSTRAW Trust Fund reflected a balance of $843,417. In addition to this amounts, additional contributions and miscellaneous income in the amount of $84,214 have been received at the INSTRAW Trust Fund during period 1 January -31 July 2004. Consequently, as of the writing of this report, INSTRAW's total resource availability for 2004 amounts to $ 927,631.

32. Based on the above-referred resource base the Office of the Controller has authorized an allocation of $925,400 for the financing of INSTRAW's operations during 2004, including the salaries of the authorized staff (1 D-2; 1 P-3 and 2 P-2s and 5 G-S). Table 1 below shows a detailed description of the utilization of funds disbursed in the implementation of the programme and operational activities described under sections II through VI of this report. The information provided reflects the actual amounts disbursed during the first seven months of the year; as well as the projected budgetary requirements for the period 1 August- 31 December 2004.

33. As at 31 July 2004 the INSTRAW Trust Fund balance is estimated at $538,498. This amount will cover the operational costs of the Institute from August to December, which are estimated at $476,267. As shown in Table 2 below, the balance of the INSTRAW Trust Fund as at 31 December 2004 is projected at $23,231.

D. ICTs infrastructure

34. During the period under review, the Institute's technical infrastructure was enhanced with several features designed to facilitate access and usage of information and communication technologies (ICTs) by INSTRAW personnel. These features include: (i) increased bandwidth for faster access to the Internet; (ii) implementation of wireless connectivity; (iii) implementation of a content administrator facilitating the management of the Institute's website; and (iv) establishment of an intranet featuring shared calendars, contact lists, and messaging for project management.

35. INSTRAW's ICTs infrastructure was also improved in order to provide greater security for the Institute's website and e-mails through the securement of a dedicated server for the INSTRAW website; and

the installation of a local server with appropriate firewall systems.

36. More visibility for the INSTRAW website was initated through the purchase of alternate domains (instraw.com, instraw.org, and instraw.net) which facilitates access to the Institute's website through search engines. Greater visibility will be sought.

Table 1: INSTRAW Budget Implementation during 2004

Object of Expenditure	January-July 2004	Projected August-September 2004	Sub total January – September 2004	Projected Requirements Oct-Dec 2004	Total Budgetary Authorization 2004
Staff and other personnel costs	265,000	96,000	361,000	156,000	517,000
Consultants	43,164	19,000	62,164	65,000	127,164
Official Travel	61,885	13,715	75,600	24,400	100,000
Contractual services	19,300	14,700	34,000	15,000	49,000
INSTRAW Board Meeting	0	0	0	7,400	7,400
Expert Group Meetings	0	0	0	23,000	23,000
Maintenance of Premises	3,657	12,000	15,657	5,503	21,160
Maintenance of generator, vehicle and office equipment	5,960	3,000	8,960	4,540	13,500
Communications and operating expenses	8,164	3,000	11,164	5,836	17,000
Acquisition of supplies and equipment	42,003	8,173	50,176	0	50,176
Total	**449,133**	**169,588**	**618,721**	**306,679**	**925,400**

Table 2: Additional resources implemented by INSTRAW during 2004 through In-Kind Contributions

In-kind resources	**in US$**
Human resources (2 UN volunteers, 1 non reimbursable loan)	66,000
Interns and fellows;	68,000
Interinstitutional collaboration (1 week D-1: DESA; 2 weeks P-5= PAHO/WHO; 1 week P-5= UNFPA)	15,000
Consultants expertise: in Resource Based Management	8,000
Collaborative support from private academic sector: reestructuring of Web-site	45,000
Participation in relevant conferences, meetings and ventures	10,200
Others (photos, editing support, translations)	4,000
Total	**216,200**

Table 3: Projected Financial Situation of the Institute as at 31 December 2004
(United States dollars)

Opening balance	843,417
Income received: Governments	104,801
Miscellaneous income	413
Total funds available for 2004 (*)	**948,631**
Budgetary requirements (January-December 2004)	925,400
Projected cash balance as at 31 December 2004	**23,231**

(*) See Table 2 for other contributions (In-kind) received by INSTRAW during 2004.

Annex II

Executive Board
Resumed First session
New York, 1 October 2004
Item 5 of the provisional agenda

Proposed Operational Budget for the Year 2005*

Contents

I. Introduction

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3. Institutional Development Strategic Area: Executive Direction and Management
4. Administrative and Support Services

B. Estimated Extra budgetary Projects: estimated resources for research and training activities to be implemented through Special Project Funding.

I. Introduction

1. In 2004 INSTRAW Executive Board approved the Strategic Framework for the period 2004-2007, thus establishing the general guidelines and strategic directions for INSTRAW's work. The Strategic Framework (medium term plan) identifies four strategic areas of work i.e. Research, Information and Communication, Capacity Building/Training and Institutional Development. Strategic objectives at the outcome level have been identified for each area as well as Expected Accomplishments and Indicators of Achievement. These have been the basis for the proposal of the 2005 work plan and budget.

2. Following a results-based management approach, this proposal was prepared in a participatory exercise including the following principles:

- The distribution of resources in the budget was built with a bottom-up approach, costing the activities in the work plan for each of the Expected Achievements of the Strategic Plan.
- Priorities were identified on the following premises:
    a. A minimum infrastructure must be maintained to allow the Institute to operate.
    b. Justification for maintaining approved posts had to be supported by the results of the work plan.
    c. Resource mobilization must be a priority in order to seek extra budgetary funding.

* Originally issued as an INSTRAW document.

3. Table 1 summarizes the budget by Strategic Areas identifying post and non-post costs.

Table 1. Core Funding for 2005 (Thousands US$)

Strategic Areas	Posts	Non-Post	Total	%
Research	118	144	262	23
Information & Communication	156	103	259	23
Capacity Building/Training	30	142	172	15
Institutional Development	175	63	238	21
Administration & Support Services	136	65	201	18
Total Budgeted	**615**	**517**	**1 132**	**100**
4.5% PSC payable to UN HQ			51	
Total Requested			1 183	

4. Due to the core funding received from the UN regular budget in 2004, the Institute was able to continue operations and initiated an institutional development process including the implementation of a resource mobilization strategy. Thus, resources were increased through innovative approaches, such as the detailing of government staff (non-reimbursable), interns, UN associate experts and other volunteers and special initiatives. The valuable support provided contributed to the development of project proposals for extra budgetary funding which are currently being considered by external partners. The estimated value of possible extra budgetary resources (based on projects proposals in the pipeline) and in kind resources (based on the experience of 2004), is included for information purposes in Table 2.

Table 2. All resources (including in-kind) estimated for 2005 (Thousands US$)

Strategic Areas	Core	Extra-budgetary	In Kind	Total	%
Research	262	4 359	77	4 698	55
Information & Communication	259	2 440	135	2 834	33
Capacity Building/Training	172	301	116	589	7
Institutional Development	238	(*)	39	277	3
Administration & Support Services	201		19	220	3
Total	**1 132**	**7 100**	**386**	**8 618**	**100**
%	**13**	**82**	**4**	**100**	

(*) Extra-budgetary projects for institutional development will be prepared in the future depending on donors' priorities and interests.

5. The strategic significance of the core funding to INSTRAW cannot be minimized. Not only it is essential for the Institute's survival, but it also demonstrates the commitment of the UN and its Member States to research and training in gender issues and provides a multiplying effect in building stakeholders' confidence and support.

6. In line with the above considerations the present proposal contains the financial requirements needed for financing the Institute's core operations during 2005 and the estimated funding of extra budgetary projects that are being considered for financing by several financial partners.

7. Resources allocated to the Institute by the office of the United Nations Controller will be administered in accordance with the financial regulations and rules of the United Nations and in line with the financial policies and procedures established by the Secretary-General. Personnel administration is based on the United Nations Staff Rules.

8. At the time of preparation of this document, the estimated balance of the Institute's Trust Fund as at 31 December 2004 is projected at a level of $23,231. Owing to the present status of its financial base, INSTRAW's commitments for 2005 will be maintained at a level commensurate to the amounts of funds utilized for Institute's operations during 2004. Consequently, a budget of $1,183,000 is hereby presented which makes provision for the resources required to ensure the Institute's minimal operations in year 2005.

9. In accordance with provisions contained in section C, paragraph 6 (b) of the Secretary General's Bulletin ST/SGB/214 related to the arrangements for the provision of financial, personnel and other administrative services to INSTRAW; the proposed budget has been submitted to the office of the United Nations Controller for review.

10. While renewing its commitment to achieving gender equality and contributing to the Millennium Development Goals, in particular during their upcoming review and in the context of Beijing+10, INSTRAW is confident that this proposal will be favorably received.

A. Core Budget: Financial resources required for INSTRAW core operations

1. Policy-Making Organ: The Executive Board

11. The Institute functions under the authority of an Executive Board composed of the Member States elected by the Economic and Social Council (ECOSOC). The Director of the Institute, the Under-Secretary-General for Economic and Social Affairs, a representative of the Host Country, Dominican Republic, and a representative of each of the regional commissions of the ECOSOC serve as ex-officio members of the Board. INSTRAW, also, reports annually to both ECOSOC and the General Assembly, which oversee the work of the Institute and make recommendations relevant to its functioning.

Resource requirements for the Executive Board

12. The estimated requirement of US$3,000 makes provision for holding the 2005 session of the Executive Board of INSTRAW.

2. Technical Strategic Areas: Research, Information and Communication and Capacity Building/Training

13. The Technical Strategic Areas of INSTRAW: (1) Research, (2) Information and Communication and (3) Capacity Building/Training are responsible for carrying out the activities and delivering the results as programmed in the work plan. These areas include program and project planning, execution, monitoring, evaluation and reporting to governing bodies and stakeholders.

14. Tables 3, 4 and 5 summarize the Expected Accomplishment and Indicators of Achievement for these strategic areas as the contribution to reaching the strategic objectives.

Table 3. Research

Strategic Objective 1: To promote the development and implementation of local, regional and global policies that are gender-responsive and based on results of research, the application of lessons learned and feed-back and the replication of best practices.

Expected Accomplishments	Indicators of Achievement
(a) Stakeholders increase awareness on the importance of specific gender issues based on research areas promoted by INSTRAW.	(a.1) Number of hits and downloads in at least 3 of the specific areas identified by INSTRAW in website, such as: (i) migration-related issues (remittances, trafficking); (ii) ICTs and women's empowerment; (iii) security and gender; (iv) women's political participation; (v) reproductive rights.

	(a.2) Establishment of baseline for future performance measure based on 2005.
(b) Local policies are implemented in the countries based on research conducted with partners. *(as extra-budgetary funding becomes available)*	(b) Number of policies adopted by countries.
(c) Selected Universities and research institutions include gender perspective in research activities.	(c) At least four new research projects include gender perspective in the region of the Americas in 2005.

Outputs

(a) Research activities promoted on gender issues in critical areas such as: (i) migration-related issues (remittances, trafficking); (ii) ICTs and women's empowerment; (iii) security and gender; (iv) women's political participation; and (v) reproductive rights, as well as in global mandates such as Beijing Platform of Action plus 10 and the Millennium Development Goals.

(b) Research conducted with partners in identified areas such as migration/trafficking, remittances, reproductive rights, women's political participation, etc. as *extra-budgetary funding becomes available.*

(c) Capacity building of universities supported to include gender in research activities.

15. The **Strategy** for accomplishing Objective 1 will include:

1. Identifying key strategic areas and niches for the development of new research activities including those linked to the Fourth World Conference on Women, the Millennium Development Goals and other relevant instruments such as the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others; the Convention on the Political Rights of Women; and Security Council Resolution 1325, among others.
2. Strengthening the partnerships with stakeholders (UN System; Governments; NGOs and civil society) in order to promote and carry out research activities on gender issues within the key strategic areas in line with the mandates received from UN resolutions and decisions.
3. Establishing and enhancing relationships with universities and academia to promote the regular inclusion of research activities on gender issues.

Table 4. Information and Communication

Strategic Objective 2: Strengthen national capacities to effectively manage gender-related knowledge to support governments and civil society in their efforts to mainstream gender into policies and programmes.

Expected Accomplishments	Indicators of Achievement
(a) Stakeholders identify INSTRAW as a clearinghouse for gender related information	(a) Number of hits and downloads of gender issues in INSTRAW's website increased by 50% in 2005.
(b) Stakeholders utilize materials and resources provided by INSTRAW in gender mainstreaming activities at national and regional levels	(b) Number of individuals and institutions using INSTRAW's website gradually increased in 2005 to establish baseline for future performance measure.
(c) Visibility of gender issues is increased	(c) Number of individuals and institutions using information packaged by INSTRAW on specific areas. 2005 information to serve as baseline for future performance measure.

Outputs

(a) INSTRAW's website redesigned in a user-friendly manner within UN Standards and providing up-to-date information on priority areas for gender mainstreaming, including Beijing Platform of Action plus 10 and the Millennium Development Goals.

(b) Progress report assembled and posted in website, on the 12 critical areas of the Beijing Platform of Action.

(c) Materials and resources provided to stakeholders for gender mainstreaming developed by INSTRAW and/or with other partners within quality standards as determined by the Institute.

(d) Information disseminated and packaged for different users (journalists, NGOs and national machineries) through INSTRAW website.

16. The Strategy for accomplishing Objective 2 will include:

1. Acting as clearinghouse for information generated on gender issues from stakeholders. The information will be organized by thematic areas thereby facilitating consultations by stakeholders and will be presented in various formats according to the needs of the different stakeholders.

2. Partnering with key NGOs having worldwide representation which will adapt, translate and disseminate at the national and local levels, information on gender issues from the INSTRAW website. These NGOs will also assist by identifying relevant studies, information and materials on gender issues to be included in the Institute's website.

3. Creating alliances with members of the United Nations system, particularly UNIFEM, DAW, and other relevant international organizations to coordinate and replicate information strategies for gender issues in the different regions.

Table 5. Capacity Building/Training

Strategic Objective 3: Strengthen national capacity to design and deliver training (including e-training) on gender mainstreaming.

Expected Accomplishments	Indicators of Achievement
(a) Materials for training on gender mainstreaming are used by national institutions and NGOs for training.	(a) Number of institutions using material disseminated by INSTRAW for training increased. 2005 data to establish baseline for future performance.
(b) Universities include a gender perspective in their curricula, *dependent on availability of extra-budgetary funding.*	(b) Number of universities mainstreaming gender in their curricula increased.
(c) E-training on gender mainstreaming developed by national institutions in Latin America, *dependent on availability of extra-budgetary funding.*	(c) New e-training initiatives implemented in selected countries based on extra-budgetary projects.

Outputs

(a) Training programs, materials and tools (including trainer's rosters) for gender mainstreaming are developed and disseminated.
(b) Best practices and experiences on mainstreaming gender in curricular and other training activities, identified and promoted.
(c) Projects developed to identify gaps and opportunities to deliver training and e-training on gender mainstreaming.

17. The Strategy for accomplishing Objective 3 will include:

1. Selecting and organizing training materials elaborated by different organizations for posting on the INSTRAW website, including the development of methodologies, tools and monitoring indicators.
2. Strengthening the collaboration between INSTRAW, the UN System and civil society in order to create and update a roster of gender trainers categorized by areas of expertise.
3. Establishing agreements with universities and NGOs to assess, implement and evaluate e-training programmes and materials on gender issues.

Resource Requirements for the Technical Strategic Areas of Research, Information and Communication and Capacity Building/Training:

18. The estimated resource requirement for these technical strategic areas is US$$693.000 representing 61% of the total budget. This amount includes $304,000 to cover salaries and common staff costs of the Social Affairs Officer at the P-3 level; an Information/Communications Officer at the P-2 level and a Computer/Electronic Data Processing Systems Officer at the P-2; a post of Information/Programme Assistant and a Secretary at the general service level. The total amount for non-post is $389.000 to cover consultants, contractual services, meetings, travel of staff and supplies and materials.

3. Institutional Development Strategic Area: Executive Direction and Management

19. This area provides overall oversight and direction, management, leadership, and supervision to all the activities of the Institute. It is responsible for undertaking the necessary actions to ensure an adequate level of funds in the Institute's Trust Fund and to liaise with United Nations Headquarters and agencies, Member States, foundations, research and training institutions, non-governmental organizations, women's organizations and the public at large.

20. Table 6 includes the Expected Accomplishment and Indicators of Achievement in order to contribute to the Strategic Objective.

Table 6. Institutional Development

Strategic Objective 4: Shape a sustainable institution that is sound, innovative and applies good governance.

Expected Accomplishments	Indicators of Achievement
(a) Governing Bodies and external partners support politically and financially the activities of INSTRAW.	(a.1) INSTRAW has a regular budget approved by member countries for its core operations (a.2) Extra-budgetary funding is increased 50% in 2005.

Outputs

(a) INSTRAW's program of work implemented with the participation of stakeholders (UN organizations, research and academic institutions and NGOs) in order to optimize the use of resources for gender mainstreaming.
(b) New initiatives for resources mobilization and innovative sources are explored and developed to secure a sustainable core financial and human resource base as well as for specific projects.
(c) Developed results-based management processes that optimize the use of resources with transparency and accountability.
(d) Strengthened an effective working relationship with the Executive Board crafted through systematic and interactive exchange and participation.
(e) Network and partnership of INSTRAW strengthened.

21. The Strategy for accomplishing Objective 4 will include:

1. Establishing partnerships with governments, through the designation of focal points, in order to keep them informed of INSTRAW activities and research results
2. Increasing collaboration with Executive Board (EB)
3. Developing funding mechanisms
4. Establishing alliances to implement INSTRAW Resource-Based Management, including Results-Based Budgeting
5. Establishing a network with journalists to send them tailor-made information on gender awareness and gender equality
6. Strengthening relations with organizations from civil society, academia, international development community and the UN system to keep them informed of INSTRAW's activities and work results.

Resource Requirements for Institutional Development Strategic Area: Executive Direction and Management:

22. The estimated requirements for this area are US$238.000 representing 21% of the total budget. This includes the salary of the Director (D-2); as well as $63,000 non post to cover consultants, official travel, meetings and others. Although financial limitations do not allow for the budgeting of the post of Deputy Director (D-1), mandated by INSTRAW Statutes (E/2003/7 of 24 July 2003), it is envisaged that the corresponding recruitment process for filling the post will be initiated as soon as funding becomes available.

23. The non-reimbursable services of an Expert to provide technical assistance provided by the Government of Mexico complement the human resources in this area.

4. Administration and Support Services

24. This Area is responsible for providing all the administrative support services required at the Institute's Headquarters in Santo Domingo, such as financial and personnel management, budgetary controls and logistical backstopping for the core activities and special projects to be carried out by the Institute. These include the formulation of budgets, financial statements and accounting reporting; as well as implementation of United Nations internal control systems and procedures in the areas of personnel management, internship programme, travel, administration of health and pension fund plans, procurement of services/equipment/supplies, and operation of INSTRAW premises. The area is also responsible for ensuring the appropriate application of relevant stipulations of the host country agreement with regard to the administrative and personnel functions of the INSTRAW headquarters. In addition, it provides all the general services and logistical support required for the implementation of special activities carried out by the Institute such as workshops, seminars and other relevant training activities.

25. Table 7 includes the Expected Accomplishment and Indicators of Achievement in Administration and Support Services

Table 7. Administration and Support Services

Objective. Administrative and support services supports and facilitates the expeditious and effective delivery of the Institute's program of work.

Expected Accomplishments	Indicators of Achievement
(a) Administrative and support services of the highest quality standards are provided consistently.	(a.1) Rules and Regulations are followed consistently (a.2) Human resources management is driven by results (a.3) Unqualified audits are received.

Outputs

(a) Administrative and support services of the highest quality standards are provided consistently.

26. The **Strategy** for accomplishing this Objective will include:

1. Streamlining and modernizing procedures including the use of ICT for efficient standardization and transparency.
2. Include administrative staff to create team commitment in attaining common objectives.

Resource requirements for Administration and Support Services:

27. The estimated provision of US$201,000, which represents 18% of the total budget, includes $136,000 to cover salaries and common staff costs for the post of Administrative Officer (P-2), as well as one Administrative Secretary, a Finance Assistant and a Chauffeur (who also assists in the performance of basic tasks related to the maintenance of INSTRAW premises) at the general service level.

28. Estimated requirements under this heading also include $65,000 general operating expenses related to the maintenance of INSTRAW premises, maintenance of furniture and equipment, as well as costs for communications, supplies and material.

B. Estimated Extra-budgetary Projects

29. During 2004 INSTRAW staff gave high priority to implementing a resource mobilization strategy. In the process of strengthening alliances with financial partners and seeking for innovative approaches to increase the Institute's resources, sixteen project profiles were developed to explore interest of stakeholders. These 16 projects have been submitted to several financial partners who share INSTRAW objectives and are in the process of considering the possibility of financing.

Table 8. Extra-budgetary Projects in the Pipeline (Thousands US$)

Research – 7 Projects	4 359	61%
Information & Communication – 5 Projects	2 440	35%
Capacity Building/Training – 4 Projects	301	4%
Total – 16 projects	7 100	100%

Table 8a. INSTRAW - Project Profiles 2005

	Title	Possible Interested Countries	Possible Interested Partners	Estimated Budget US$
		STRATEGIC AREA –RESEARCH		
A.1	Gender perspectives in international remittances	Egypt, El Salvador, Mexico, Philippines, and others to be determined.	IDB, IMF, World Bank, Pew Hispanic Center and other institutions to be determined.	303,140
A.2	Combating the trafficking of women and girls.	Bangladesh, Brazil, Colombia, Dominican Republic, El Salvador, Guatemala, Italy, Kenya, Nigeria, South Africa, Spain, Thailand, United States of America and Zambia.	IOM, Global Alliance Against Trafficking in Women (GAATW), European Union, International Human Rights Law Group, Women's Consortium of Nigeria, Anti Slavery International Thomas Clarkson House, Heinrich Boll Foundation, HIVOS Foundation, Esperanza Foundation/Colombia and Spain, Foundation for the Elimination of Trafficking in Women and Child Labour, African Women for Peace, UNFPA, UNESCO, DAW, UNICEF, UNICRI, Cooperazione Italiana, Foundation for Women/ Thailand, among others.	1,145,590
A.3	Women's roles in conflict resolution and in establishing peace and democracy	Colombia, El Salvador, Ethiopia, Haiti, India, Pakistan, Palestine, Rwanda, and Zimbabwe.	WFP, UNHCR, UNDP, UNFPA, UNICEF, European Union, women's networks and specialized NGOs.	142,830
A.4	International migration of women	Burkina Faso, Croatia, Dominican Republic, France, Germany, Italy, Haiti, Nepal, Mozambique, Romania, Serbia, Yugoslavia, Spain, United States of America.	OIM, UN Population Division, DAW, DESA, European Union, UNHCR, FLACSO, Regional Commissions, ILO, UNITAR, Organization for Economic and Cooperation and Development,	139,840
A.5	Gender Perspectives in Disarmament of Small Arms/Light Weapons	Bosnia, , Burundi, Colombia, Croatia, Guatemala, Herzegovina Indonesia, Nicaragua, Pakistan, Rwanda, South Africa, Sri Lanka.	UN Regional Disarmament Branch, UNHCR, International Red Cross, International Action Network on Small Arms, Norwegian Initiative on Small Arms Transfers, Small Arms Working Groups, UN OCHA, Organization of African Unity Small Arms Project, UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean. OXFAM	127,190

A.6	Cairo and Beyond: Reproductive Rights and Cultures	Brazil, Ecuador, Ghana, Guatemala, Guyana, India, Mexico, Nepal, Nigeria, Peru, Thailand, Vietnam, and Zambia.	UNFPA, UNIFEM, academic centres, women's groups, indigenous women's groups, Health networks, Population Council, Ford Foundation, MacArthur Foundation.	162.000
A.7	Social Cohesion	Latin America and the Caribbean	European Union, FAO, IFAD, WFP, UNFPA, UNIFEM, UNDP, UNICEF, UNESCO, National NGOs, Women's Organizations	2,500,000

	STRATEGIC AREA – INFORMATION AND COMMUNICATION			
B.1	The use of ICTs to strengthen gender perspectives in the dialogue between governments, civil society and the international community.	Bangladesh, Barbados, St. Lucia, Ecuador, Nigeria, Poland, Saudi Arabia, Tunisia	UNESCO, Women's Organizations, Regional Commissions of ECOSOC, ITU, UNFPA, UNIFEM, IDB and other regional banks, World Bank, bilateral development agencies, Gates Foundation.	35,535
B.2	Creation of communication networks for Indigenous women in Latin America	Bolivia, Brazil, Ecuador, Guatemala, Honduras, Mexico, Peru.	United Nations DESA, Permanent Forum on Indigenous Issues, European Union, UNFPA, World Bank, The Tribal Link Foundation, UNESCO, ICA.	46,345
B.3	Regional and global media campaigns on women's rights	6 countries (on average) from each of the following regions: Africa, Asia, Eastern Europe, Latin America, and the Caribbean, and the Middle East.	IPPF (worldwide), Ford Foundation (worldwide), MacArthur Foundation (Eastern Europe, India, Mexico, Nigeria, Russia), Engender Health (worldwide), UNFPA (all regions), UNIFEM, WHO, European Union, regional and international women and health networks, international NGOs such as Catholics for the Right to Choose, DAWN, academia.	1,428,775
B.4	Announcements for marriage and sexual services on the Internet from a human rights perspective		Women Centre of British Columbia, Centre for Sexual Studies (Columbia University), human rights groups, legal centres, UNESCO, etc.	28,885
B.5	Increasing Indigenous Women's Connectivity for Development in the Americas	Guatemala, Bolivia, Ecuador, Peru, Mexico	UNPAN, Tecnologico de Monterrey, Women's Indigenous Organizations, ICA.	900,000

	STRATEGIC AREA – CAPACITY BUILDING/TRAINING			
C.1	Strengthening the use of gender mainstreaming materials, tools, approaches.		FAO, ILO, UNAIDS, UNDP, UNFPA, UNIFEM, academic institutions, civil society networks.	172,850
C.2	Strengthening women's political participation in local governments.	Argentina, Barbados, Guatemala, Nicaragua, Morocco, Mozambique, Pakistan, Paraguay, Romania, Spain, Tanzania.	Local governments and national women's machinery, associations of local municipals, national statistical institutes, women's networks, UNFPA, IPU, UNIFEM, IDB, World Bank, regional banks, bilateral development agencies.	29,785
C.3	Advocacy to increase the visibility of women's leadership and presence in public spheres	Dominican Republic	International Women's Health Coalition, Latin American Network of Women, CAPRA Networks, DAWN, Catholics for Free Choice, Center for Development and Population (CEDPA), Summit of the Americas, Center for Reproductive Rights, CLADEM, UNFPA, UNIFEM, UNICEF, WHO, Reproductive Health Matters, Population Council, IPPF, Ford Foundation, MacArthur Foundation.	30,682
C.4	Discussion forums on specific themes.	Virtual space in the Internet coordinated by INSTRAW	UN system: DAW, ILO, UNAIDS, UNFPA, UNIFEM, WHO; NGOs such as DAWN, women's networks, academic institutes and centres, Ford Foundation, MacArthur Foundation, IPPF, youth centres, gov.org.	68,310

Table 9. Estimated Operational Budget for INSTRAW Operational Costs for year 2005

Main Object of Expenditure	Executive Board	Technical Strategic Areas	Strategic Area Institutional Development	Administration and Support Services	Total
Consultants		175,000	20,000		195,000
Executive Board Meeting	3000				3000
Meetings		15,000			15,000
Temporary posts and common staff		257,400	174,700	78,080	510,180
General services posts		46,737		58,270	105,005
Travel to Board Session		5,000	3,500		8,500
Official travel		35,000	36,500		71,500
Contractual Services		130,000			130,000
Maintenance of premises				13,000	13,000
Rental, maintenance of equipment				10,000	10,000
Communications				29,600	29,600
Miscellaneous operating expenses				8,000	8,000
Supplies, materials (incl. EDP) & Subscriptions		10,000		5,000	15,000
Acquisition office automation equipment		14,000		3,000	17,000
Acquisition of office furniture and equipment				2,000	2,000
Subtotal operational activities	3,000	688,135	234,700	206,950	1,132,785
Programme support costs payable to UN HQs (*)					50,975
TOTAL					**1,183,760**

(*) 4.5%

This budget includes staffing resources as follows: D-2 Director; P-3 Social Affairs Officer; P-2 Information/Communication Officer; P-2 Computer/EDP Systems Officer and P-2 Administrative Officer.

In addition this budget makes provision for the salaries of five posts at the General Service Level.

Local operating costs (including national salaries) will need adjustment due to fluctuations of the rate of exchange applicable to Dom. Rep.

Table 10. Summary of Post Requirements for 2005

Strategic Area	Professional Posts		General Services Posts		TOTAL
	Grade	Cost	Grade	Cost	
Technical Strategic Areas	P3	101,200	G7	30,100	3P
	P2	78,080	G5	16,500	2G
	P2	78,080			
					$303,960
Institutional Development	D2	174,700			1P
	D1	—			
					$174,700
Administration and Support Services	P2	78,080	G6	25,200	1P
			G5	19,600	3G
			G3	13,400	
					$136,280
TOTAL		**510,140**		**104,800**	

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 25 October 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Enclosed please find Israel's response to the report submitted by John Duggard, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1993/2A (A/59/256), which Israel views with concern (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Third Committee, under agenda item 105 (c).

(*Signed*) Dan **Gillerman**
Permanent Representative

04-57475 (E) 031104

Annex to the letter dated 25 October 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Response of Israel to the report submitted by John Duggard, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1993/2A

A. Introduction

The latest Report by the Special Rapporteur bears all the hallmarks of its predecessors. It is characterised by serious errors of omission and commission, as well as distortions of both fact and law, all in the service of a narrow and extreme political agenda.

Israel has long noted the seriously problematic mandate of the Special Rapporteur, unprecedented in its one-sided and prejudgmental nature, but over the past few years the problematic mandate has been overshadowed by the problematic nature of the Rapporteur himself. Again and again he has demonstrated, both in his reports and in his diatribes to the media, that he regards the title of Special Rapporteur as nothing but a platform for broadcasting his personal prejudices, and the actual situation in the region as merely fabric to be cut and shaped to conform to his predetermined political agenda.

Many, if not most, of the Rapporteur's allegations have been addressed, some repeatedly, in Israel's responses to his previous reports. However, even at the risk of repetition, some of the more egregious distortions cannot be left without some response.

B. General Observations

Before addressing the issues that the Rapporteur takes as the focus of his Report, a number of general observations are in order.

Context: As in previous reports, the daily threat of terrorism faced by Israel is simply ignored. With the exception of a passing reference – in a list of Israeli human rights '***violations***'(!) – to the 1000 Israelis who have been killed and the 6000 injured since the outbreak of Palestinian violence, there is, in the 36 pages of the report, not a single reference to the terror faced daily by Israeli civilians, including 138 suicide attacks and 13,730 shooting attacks over the past four years. Nor is there any mention of the attempted mega-terror attacks against Israeli skyscrapers, ports and fuel depots, which could so easily have taken the lives of thousands more.

Balance: The failure to address the terrorism faced by Israel, does not simply mean that the picture painted by the Rapporteur is incomplete; it undermines any possible basis on which a balanced assessment of Israel's defensive measures could be made. The legal and moral test for such measures is whether they are, in all the circumstances, a proportionate response to the threat faced by Israel. If

there is no such threat, then no measure will be considered acceptable. And indeed, in the idyllic terror-free world presented by the Rapporteur, this is the case. ***Not a single measure taken by Israel to protect the lives of its civilians has ever been found by the current Rapporteur to be proportionate or acceptable.***

Omission of inconvenient facts: The brutal terrorism faced by Israel is only one of the inconvenient facts ignored by the Report. Other striking omissions include:

- *Significant changes in the route of the security fence.* The Report describes the International Court of Justice as having passed judgment on the fence "that Israel is presently constructing", implying that the route of the fence has remained unchanged. In practice, over recent months there have been dramatic changes to the route in order to limit the impact on Palestinians, even at the risk of decreasing the protection provided to Israeli civilians.

- *Humanitarian arrangements.* No reference is made by the Rapporteur to any of the measures taken by Israel to ensure continued medical and water supplies, the daily transportation of children to schools, and the many other measures undertaken by Israel to help ease the humanitarian situation in the territories.

- *Corruption and mismanagement in the Palestinian leadership.* The Rapporteur stresses that "poverty and unemployment are rampant" among the Palestinian population but fails to mention the rampant corruption which has resulted in billions of dollars of donor funds, intended to alleviate hardship and suffering, being diverted to the private accounts of the Palestinian leadership.

Unfounded allegations: The Report is littered with unsubstantiated assertions introduced by such amorphous phrases as: 'The evidence suggests' and "It seems that". In his attempt to present baseless accusations as facts, the Rapporteur has turned the use of the passive voice into an art, such as the bizarre allegation that the installation of 'high-tech listening devices' in major buildings in the Gaza Strip "is being contemplated" or the chilling echo of the medieval blood libel: "There are also allegations of well poisoning by settlers."

Misstatements and distortions: A few of the more striking examples of the Report's distortions:

- *Of fact:* The Rapporteur states that 10 homes and shops in the village of Azzum Atma were demolished "because they are too close to the Wall". In fact the route of the fence in this area is still to be decided; the structures in question were actually illegal constructions, built in violation of planning regulations, which, like all such structures, were demolished only after full due process.

- *Of law:* In trying to argue that following its withdrawal from the Gaza Strip, Israel will remain an 'occupying power', the Rapporteur states the legal test of occupation as being "not whether the Occupying Power fails to exercise effective control over the territory, but whether it has

the ability to exercise such power". This assertion has no legal basis whatsoever. As authority the Special Rapporteur cites the Nuremberg Military Tribunal *Hostages Case*, presumably referring to the Court's observation concerning Greece and Czechoslovakia, that the fact that "partisans were able to control sections of these countries at various times" did not deprive the German forces of their status as an occupant. Even if the Rapporteur himself was not able to distinguish between occasional pockets of partisan control and the wholesale withdrawal of Israel's presence from the Gaza Strip, a cursory reading of the judgment would have shown that it restates, with approval, the 1907 Hague regulations which are a clear and succinct statement of international law in this regard:

> Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.

- *Of Israeli positions:* The Special Rapporteur criticizes "the Israeli argument that security considerations provide it with an absolute right to build the Wall in Palestinian territory". But no absolute right has ever been claimed by Israel. To the contrary, Israel has consistently held that it must seek to find the correct balance between the rights of Israelis to be protected from terror, and the right of Palestinians to live their lives without disruption.

- *Of legal judgments:* The Rapporteur cites the recent decision of the Israel Supreme Court in *Beit Sourik Village Council vs. the Government of Israel* on numerous occasions throughout his Report, almost unfailingly in a misleading manner. For example, seeking to substantiate his assertion that the fence should have been routed along the 'Green Line', he asserts that this is proven by the fact that at certain points the Court preferred less intrusive security proposals suggested by the Israeli Council for Peace and Security. At no point does he note that both the Court and the Council were in agreement that the only effective route of the fence would involve incursions within the West Bank. (The full text of the judgment is available at http://62.90.71.124/eng/verdict/framesetSrch.html)

C. Focus of the Report

The Special Rapporteur states that his intention in the current Report was to focus on three issues: military incursions into the Gaza Strip, the construction of the "Wall", and restrictions on freedom of movement:

Incursions into the Gaza Strip

The Special Rapporteur devotes his attention to two specific areas within the Gaza Strip: Rafah and Beit Hanoun. These are indeed two areas in which Israel has conducted military operations, since each is a major center of terrorist activity. But the terrorist attacks emerging from these areas are quickly dismissed by the Special Rapporteur:

> The reasons advanced by Israel for these incursions are, in the case of Rafah, the destruction of tunnels used for smuggling of arms and in the case of Beit Hanoun, the destruction of the capacity to launch Qassam rockets into Israel. However these incursions must be seen in a broader political perspective.

Predictably, the broader perspective offered by the Rapporteur has nothing to with the terrorist threat faced by Israel, and everything to do with political gains which he surmises are Israel's true motivation.

But in fact, far from being a pretext for a political gambit as the Rapporteur suggests, the tunnels constructed by terrorists in the Rafah area are one of the most lethal threats to the lives of Israeli civilians. Since the outbreak of Palestinian violence four years ago over 98 tunnels have been discovered, running deep under the ground from the Gaza Strip into Egypt, used for the smuggling of weapons, including anti-aircraft missiles, mortars and machine guns, and ammunition. More recently, tunnels have also been used for the transportation of terrorists and the perpetration of terrorist attacks. The tunnels are sophisticated; many run for several hundred meters at depths of up to 10 meters below ground, and are equipped with electricity and ventilation systems.

The fact that the tunnels are deliberately located within and beneath civilian homes creates acute dilemmas for Israeli forces seeking to put them out of action. But only willful blindness on the part of the Special Rapporteur could explain his description of the destruction of such houses "wanton" and "purposeless".

A similarly judgmental approach is taken by the Special Rapporteur in relation to Israeli action against terrorists firing Kassam missiles from in Beit Hanoun. For the Rapporteur, Israel's entry into this area ("accompanied by the customary bulldozers") had nothing to do with preventing attacks but is simply gratuitous punishment.

In fact, since the outbreak of Palestinian violence there have been 325 Kassam missile attacks against Israeli homes from within the Gaza Strip. The Israeli town of Sderot has been a repeated target with missiles falling within schools and homes. Since the start of 2004 there have been over 160 Kassam attacks, the vast majority aimed at towns and villages within Israel. Over the past three months four Israelis, three of them children, have been killed in such attacks. In the absence of any action whatsoever by the Palestinian authorities to prevent these attacks, Israel has no choice but to seek to stop the missiles before they are fired, and to destroy the factories where they are assembled.

The Special Rapporteur , unsparing in his criticism of Israel's actions, has not a word of criticism for the terrorists who callously set up shop in the heart of civilian areas, and who fire Kassam missiles from behind schools and hospitals. To the contrary, the Rapporteur's strident call for action ("The time has come for the international community to identify those responsible for this savage destruction of property and to take the necessary legal action against them") is directed exclusively against Israel.. Perhaps this is not surprising, in the light of the adulation he has demonstrated for the missile firing terrorists in his earlier Reports, admiringly describing "militarized groups armed with rifles, mortars and Kassam-2 missiles confront[ing] the IDF with new determination, daring and success".

The Security Fence

In previous Reports, the Special Rapporteur has raised doubts as to whether Israel's security fence would be effective in preventing terrorist attacks, suggesting that "the Wall will not deter persons determined to cross into Israel to commit acts of terrorism".

In practice though, the impact of the security fence on the ability of terrorist groups to perpetrate suicide attacks has been remarkable. In 2002, suicide terrorist attacks killed 452 people, and injured 2309. It was one of these attacks, the Passover festival massacre in the Park hotel in Netanya in which 28 people were murdered and 65 injured, that gave the impetus for the construction of the security fence. The following year, with the northern section of the fence partially constructed, the number of attacks dropped by more than half to 26, with 214 people killed. Since the completion of the northern section in August 2003 there have been only 6 suicidal attacks.

No longer able to argue that the fence is not an effective measure in saving lives, the Special Rapporteur now argues that "there is no compelling evidence that suicide bombers could not have been as effectively prevented if the Wall had been built along the Green Line".

By insisting that Israel can only defend itself by constructing a fence along, or within, the so called 'Green Line', the Special Rapporteur is guilty of the very offence that he attributes to Israel – seeking to make political gains in the guise of security measures. As the Israeli Supreme Court held in the Beit Sourik case:

> We cannot accept this argument [that the fence should be constructed on the 'Green Line']. The opposite is the case: it is the security perspective – and not the political one – which must examine a route based on its security merits alone, without regard for the location of the Green Line.

As to whether a fence along this route could be effective, the Special Rapporteur gives no indication as to how an arbitrary and temporary armistice line, never intended either as a border or a defensive boundary, which runs though villages and valleys with high ground on either side, could prove an effective line for Israel's temporary security fence. Nor does he mention those areas where, for topographical reasons, the fence juts not into the West Bank but into Israel.

To anyone remotely familiar with the complexity of preventing terrorist attacks, the Rapporteur's armchair security prescriptions are simplistic and tasteless. Writing of the route of the fence in the Jerusalem area, he opines: "it separates Palestinians from Palestinians and can in no conceivable way be justified as a security measure". One can only wonder whether the Rapporteur can really be talking about the same Jerusalem that has seen 7 buses and three restaurants blown up in the past 4 years, in attacks that the temporary fence might have prevented.

But perhaps most troubling, is the Rapporteur's implication that Israelis living beyond the 1967 line are not entitled to protection, or even that attacks against them may not even qualify as terrorism. The aim of the fence, in the eyes of the Special Rapporteur can only be to prevent suicide bombers "from

entering Israel". This echoes the Rapporteur's disregard, in his previous reports, of the murder of Israeli civilians within the territories, limiting his condemnation to suicide bombers causing death "within Israel" or those prepared "to spread terror throughout Israel". But the terrorists themselves make no such distinction, and the past four years of violence have seen Israeli children, women and men blown apart by Palestinian bombers, and murdered by Palestinian snipers, irrespective of which side of the 1967 line they happen to be on.

Having ignored terrorism as the reason for the construction of the fence, the Special Rapporteur offers his own interpretation of Israel's motivations. "The evidence suggests", he tells us, that there are three "more convincing explanations" for Israel's actions: "to incorporate settlers within Israel, to confiscate Palestinian land [and] to encourage an exodus of Palestinians":

"To incorporate settlers within Israel"

The Rapporteur uses the word "incorporation" to fudge the gulf between what he is accusing Israel of doing - annexing settlers, and what it is actually doing – protecting them. The route of the fence is indeed designed to include and protect Israelis living close to the 1967 line, where this is possible without causing undue hardship to the Palestinian population. This is without prejudice to their status, or the status of the land on which they are living, which remains unchanged. The point was clearly stated by Israel's foreign minister, Silvan Shalom, on March 17, 2004:

> The fence is solely a defensive measure, intended to protect Israelis from suicide bombings and other terrorist attacks. It is not a political act. It is not intended to be a border or to prejudge any future negotiations with the Palestinians. It has no effect on the status of the land on which it is constructed. It is simply the most effective method we have found, after over 20,000 separate terrorist attacks in the last three and half years, to save the lives of our civilians.

The Rapporteur also ignores Israel's repeated statements that the fence is not intended to have any permanent effects, but is temporary in nature. As Israel's foreign Minister continued:

> The fence is temporary, its sole purpose is security, and it can be moved or removed in accordance with any agreement we may reach. Israel has moved hundred of kilometers of fences in the past, despite the expense involved, when we signed peace agreements with Egypt and Jordan, and when we left Lebanon. The fence is reversible. The lives taken by terrorism are not.

"To confiscate Palestinian land"

Here too the Special Rapporteur is less than careful in his use of language, asserting that the fence is intended to "expand Israel's territorial possessions" and that land and water resources have been "incorporated into Israel". But not only, as noted above, does the fence have no effect on the status of the land, Israel has made extensive efforts to ensure continued access of landowners to their fields and water resources. These measures include the establishment of 24 agricultural gates and 7 crossing

points in those parts of the fence that have been constructed, the construction of new infrastructure to maintain water supplies, and daily coordination between the Civil Administration and the local population.

In the Rapporteur's world of 'incorporation' and 'confiscation', such arrangements simply do not exist. Consider the Rapporteur's description of the effect of the fence in the Jayyous and Isla areas:

> The Wall has been built between Jayyous homes and rich Jayyous farmland, thereby separating Jayyous farmers from their land...The same pattern was apparent near the village of Isla.

In fact, in the area of Jayyous, two agricultural gates are in operation, enabling the passage of dozens of farmers to and from their fields every day. In the village of Isla, a similar gate is operation, currently with extended hours to enable farmers to reap the olive harvest.

The Rapporteur is similarly silent about the right of every individual affected by the fence to receive full compensation, both for the use of the land, and for any loss of profits, as detailed in Israel's responses to the Rapporteur's previous reports

"To encourage an exodus of Palestinians"

The Rapporteur gives not a shred of evidence for the serious accusation that there is a "forced exodus" or that there has even been any decrease in the population of the seam zone. In fact, the population of the seam zone ***has*** decreased, but only because Israel has rerouted the fence westwards, reducing the number of Palestinians living west of the fence. As an example, in an effort to ease the impact of the fence, Israel has moved it so as not to include the village of Baka El-Sharkia, reducing the number of Palestinians included within the route by some 7000 people.

In his enthusiasm to present his thesis that the fence is intended to create a "forced exodus", the Rapporteur also fails to mention the extensive consultation process in the course of the construction of the fence, under which every affected individual has the right to lodge objections as well as petition Israel's Supreme Court for redress. Dozens of such petitions have been filed, resulting in many changes to both the route of the fence as well as to access and humanitarian arrangements.

The Rapporteur's fabrication of a "forced exodus" theory is all the more striking in the light of his silence in relation to the genuine forced exodus of Christians from Bethlehem. As documented in the International Religious Freedom Report, 2004, approximately 2,400 Christians from the Bethlehem area have left the territories for other countries, in large part as a result of the failure of the Palestinian Authority to prevent the seizure of their land by criminal gangs, and the collusion of the Palestinian security forces in such seizures.

Freedom of movement

The Rapporteur graphically details restrictions on the movement of Palestinians which, he tells us, "cause personal suffering and inconvenience to every Palestinian". Of the 'personal suffering and inconvenience' of Israelis blown up in buses or shopping malls by terrorists abusing their freedom of movement, he has nothing to say.

In fact, largely as a result of the effectiveness of the security fence, Israel has been able to ease many of the restrictions on movement within the territories. There has been a marked decline in the need for curfews, and dozens of checkpoints and roadblocks have been removed. (Since last August the number of checkpoints has been reduced from 71 to 47 and the number of roadblocks from 197 to 111). Israel continues to make special efforts to ensure the unimpeded movement of schoolchildren, and funds special transportation for the 160 children who have to cross the security fence to get to school. The restrictions referred to by the Rapporteur on movement through the Rafah terminal have also been lifted.

But the facts on the ground hold little interest for the Rapporteur. Rather than devoting any attention to these positive developments (he does, in passing, mention the reduction in the use of curfews), he devotes his energy to insisting that by designating certain sensitive roads for Palestinian and Israeli traffic, in the face of widespread sniper attacks and drive-by shootings by Palestinian terrorists, "Israel has gone beyond the scope of restrictions on freedom of movements imposed by apartheid". The Rapporteur's wild allegations of "road apartheid" and his troubling inability to distinguish Israel, a democracy in which Jewish and Arab citizens have equal rights to vote, to petition the courts and to freedom of expression, from the apartheid regime in South Africa, tell us little about the situation the report is meant to describe, but reveal much about the psychology of the individual entrusted with writing it.

D. Conclusion

At the time that the Special Rapporteur was writing his current report castigating Israel's security fence, suicide bombers blew up two buses in the city of Beersheba, in an area where the fence has not yet been built. 16 civilians, including a three year old boy, were killed, and 100 injured. Had the southern fence been constructed, their lives could have been saved.

As he was preparing his diatribes against Israel's defensive strikes in the Gaza Strip, terrorists fired Kassam missiles on the Israeli town of Sederot, killing Yuval Abebe, age 4, and Dorit Aniso, age 2, while they played outside their grandmother's house.

And yet, without a hint of shame or embarrassment, the Special Rapporteur continues to present the bizarre virtual reality dictated by his political agenda, in which there is no terrorist threat and no terrorists, no Israeli rights and no Palestinian obligations.

There is an important debate to be had about the painful and acute dilemmas involved in striking the correct balance between the right of Israelis to be protected from terror, and the right of Palestinians to live their lives unimpeded. But the simplistic picture painted by Rapporteur, and his arrogant and unfounded security prescriptions, have nothing to contribute to such a debate.

The tragedy of entrusting the role of the Special Rapporteur to such an individual is not only the disrepute that it brings to bear on the Commission of Human rights, nor even the offence it causes to Israeli victims of terrorism. Ultimately, the greatest damage is the disservice that it provides to the Palestinian people whose cause the Rapporteur so misguidedly believes he is helping. Ignoring, as he does, any hint of corruption, of mismanagement, of incitement to violence and collusion in terrorism, does not serve the Palestinian cause. To the contrary, this patronizing approach only perpetuates the abuses of human rights, the persecution of minorities and the theft of billions of dollars of donor funds intended to help those Palestinians most in need.

Ultimately, this Report reveals the sad truth that the current Rapporteur has little concern for the development of a responsible, free and flourishing Palestinian society and is nothing more than an apologist for the oppressive regime that continues to frustrate the genuine aspirations of the Palestinian people.

United Nations A/C.3/59/4

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Fifty-ninth session

Third Committee

Agenda items 103 and 105, 105 (a) and 105 (c)

Elimination of racism and racial discrimination

Human rights questions: implementation of human rights instruments; human rights situations and reports of special rapporteurs and representatives

Letter dated 27 October 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Italy to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of the letter addressed to Dodou Diene, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, by the Permanent Representative of Italy to the International Organizations in Geneva, Ambassador Paolo Bruni, on 25 October 2004 (see annex).

I should be grateful if the enclosed letter could be circulated as a document of the General Assembly under agenda item 103; and under agenda item 105, with particular reference to sub-items (a) and (c) thereof.

(*Signed*) Aldo **Mantovani**
Chargé d'affaires a.i.

04-58044 (E) 031104

Annex to the letter dated 27 October 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Italy to the United Nations addressed to the Secretary-General

Letter dated 25 October 2004 from the Permanent Representative of Italy to the International Organizations in Geneva addressed to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

As you know, Italy is very grateful to you for your work on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and for your reports concerning these subjects. We do attach great importance to the system of special mechanisms that the Commission on Human Rights has developed over the years and we reaffirm our strong support and our will to cooperate with such mechanisms in order to promote human rights and fundamental freedoms worldwide. Italy believes that special rapporteurs and other mechanisms have the paramount duty to respond to the credible, verified and reliable information they receive.

In this respect, the Italian authorities were surprised to see in your study on the issue of political platforms that promote or incite racial discrimination (A/59/330) that two political parties, members of the current coalition Government (namely, the National Alliance and the Northern League) were included in the "list of openly racist and xenophobic political and paramilitary groups" in Europe, and that the "representatives of these parties spread racist anti-immigrant discourse in Italian society and have obtained the adoption of a particularly strict immigration law (the Bossi Fini law ..." (para. 25).

My authorities have also noticed that, in paragraph 20 of the said study, Italy is referred to as "another example of this type of coalition government between the right and the extreme right", which is previously described in the same paragraph as enabling the extreme right "to enter national governments and, to some extent, impose its racist and xenophobic platform".

I wish to recall that the National Alliance and the Northern League are member parties of a Government which has made the fight against racism, xenophobia, Islamophobia and anti-Semitism a priority of its political action. Furthermore, as you know, this Government has recently created a special committee entrusted with monitoring the functions of these phenomena at the national level. Moreover, this Government is seriously engaged in the implementation of the Durban Plan of Action to fight racism and intolerance and is planning a number of other relevant initiatives in this field.

Finally, it should be recalled that the Bossi-Fini law, inspired by the same principles, contributes to the prevention and combating of clandestine immigration and its criminal exploitation, thus improving quality of life of immigrants and discouraging the trafficking of human beings.

I will therefore be grateful if you will take the above-mentioned considerations duly into account. Meanwhile, Italy will ask the United Nations Secretariat in New York to include the present letter among the official documents of the fifty-ninth session of the General Assembly as observations of the Italian Government on paragraphs 20 and 25 of your study.

(*Signed*) Paolo **Bruni**
Ambassador

United Nations A/C.3/59/5

General Assembly

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Fifty-ninth session
Third Committee
Agenda item 105 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 29 October 2004 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum concerning the situation of human rights in Myanmar (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 105 (c).

(*Signed*) Kyaw Tint Swe
Ambassador
Permanent Representative

04-58499 (E) 081104

Annex to the letter dated 29 October 2004 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the situation of human rights in Myanmar

I. Introduction

1. The General Assembly adopted resolution 58/247 on the situation of human rights in Myanmar on 23 December 2003. The resolution did not reflect or give due recognition to the true situation in Myanmar. The thrust of the resolution was to exert undue pressure upon the Government for political ends. It was biased, intrusive, selective and subjective. Like the previous ones on the issue, it relied upon unsubstantiated allegations from untrustworthy sources as actual fact, thereby compromising the conclusions. Myanmar, as a result, had no alternative but to reject the unfounded allegations and to dissociate itself from the resolution. A number of countries joined Myanmar in rejecting the contents of the resolution.

2. This memorandum is being circulated to provide accurate information regarding the situation of human rights in Myanmar. It focuses in particular on important developments that have occurred in Myanmar during the past year. These include the reconvening of the National Convention, the first of the seven-step political programme, for a transition to a peaceful, prosperous and modern democratic State.

II. Developments in Myanmar

3. The people of Myanmar hold title to an ancient civilization. In view of the long history of harmony and amity among the national races, but for its bitter legacy as a colony, Myanmar would have been a more united nation.

4. An interval of over a century of colonial rule constituted fertile soil for sowing seeds of mistrust and misunderstanding among the national races. From the dawn of independence in 1948 until the advent of the present Government, the resultant insurgencies of varying ideologies and affiliations convulsed the nation.

5. The economy was ravaged by the Second World War. The armed insurgencies further drained and stunted the normal process of development. The insurgencies defied successive governments to find a lasting solution.

6. The armed forces (the Tatmadaw) had to assume State power in 1988 to stem the anarchy and lawlessness that had taken the country to the brink of disintegration. The Tatmadaw Government abolished the single party socialist system and centralized economy and instituted reforms for a multiparty democratic system and a market-oriented economy.

7. The Government enunciated a set of 12 political, social and economic objectives to address the fundamental issues facing the nation. It initiated a process of national reconciliation to consolidate national unity.

8. To find a solution to the insurgencies, the Tatmadaw leadership used creative efforts, underpinned by sincerity and goodwill, to incrementally build confidence

between the Government and the armed insurgent groups with different political affiliations.

9. Whereas successive Governments demanded total surrender, the present Government invited the armed groups to give peace a chance, allowing them in the interim confidence-building period to continue holding on to their arms. As a result, 17 major and another 17 smaller armed groups have come back into the fold. They are now extensively engaged in respective regional development programmes, together with the Government. Peace and tranquillity now prevails.

10. A ceasefire is in place and peace talks are in progress between the Government and the Karen National Union (KNU), the sole remaining major insurgent group. Optimism prevails for a successful outcome.

11. The Government convened a National Convention in 1992 with the participation of the National League for Democracy (NLD) to formulate basic principles for a new democratic constitution. However in 1995, the NLD unilaterally boycotted the process and withdrew its delegates. For that reason the Convention had to be adjourned in the following year.

12. Desirous that all major players in the country participate for the benefit of the nation as a whole, the Government invited and held discussions with leaders of various national races and political parties, including Daw Aung San Suu Kyi and NLD.

13. She was encouraged by the Government to travel freely in the country and to see first hand many of the Government's infrastructural projects and to obtain a better insight into the developmental achievements of the nation. During these visits she was extended all courtesies and hospitalities. Between June 2002 and April 2003, Daw Aung San Suu Kyi visited 95 townships in various states and divisions in the country. However, during her later visits, being misled by certain political elements, she unfortunately reneged on the agreed ground rules, including security arrangements by the Government, and failed to abide by the terms of agreement with the authorities concerned.

14. Despite the advice by the authorities not to travel to areas where there was no police or security, on the night of 30 May 2003, Daw Aung San Suu Kyi and her followers nevertheless went to Dabayin in Sagaing Division, where an unfortunate confrontation between her followers and local people turned violent. The Government was compelled to adopt certain measures to maintain law and order to protect Daw Aung San Suu Kyi and her senior colleagues from harm. A criminal inquest was instituted regarding this incident.

15. Razali Ismail, Special Envoy of the Secretary-General, met with Daw Aung San Suu Kyi in the course of his tenth visit to Myanmar in June 2003. Contrary to the allegations based on so-called eyewitness accounts he confirmed that she was safe and unhurt. Subsequently representatives of the International Committee of the Red Cross (ICRC) also visited her and her senior colleagues and confirmed that they were well treated.

16. The Special Envoy visited Myanmar again from 30 September to 2 October 2003. He visited Daw Aung San Suu Kyi and confirmed that she was well and in good spirits, recovering from recent major surgery she had undergone for a gynaecological problem at a private hospital.

17. In any case the resulting climate created by false rumours and misinformation set back the carefully nurtured dialogue yet again.

III. Recent political developments in Myanmar

18. On 30 August 2003, the Government of Myanmar outlined a seven-step political programme for the transition to democracy. The road map was overwhelmingly welcomed in the country and was well received by neighbours and friends of Myanmar.

19. The ninth summit meeting of the Association of Southeast Asian Nations (ASEAN) held on Bali, Indonesia, in November 2003 welcomed the positive developments in Myanmar and characterized the road map as a "pragmatic approach deserving understanding and support".

20. The Secretary-General, in response to a communication from the Myanmar Prime Minister in September 2003, stated that he was encouraged by the adoption of the Government of its own road map for a transition to democracy and committed the United Nations to help facilitate the effort.

21. The first crucial step of the road map, the reconvening of the National Convention, was taken on 17 May 2004.

22. The Convention was attended by 1,088 delegates. Only 44 delegates declined the invitation to participate. These were 33 from NLD, 8 from its affiliate, the Shan NLD and 3 from a minor Kokang group. The Convention was much more inclusive than the previous one, which had only 700 delegates. Of the total of 1,088 delegates, 633 were from the various national races. Additionally, it was also attended by over 100 delegates representing 17 major and another 17 smaller armed groups who had returned to the fold.

23. The first session of the Convention focused upon the issue of power sharing between the Central Government and the states and regions. This is an issue of much importance to Myanmar, a union of 135 national races. The states and regions will have their own executive and legislative bodies in the envisaged new structure.

24. The complex and sensitive nature of the issue resulted in time-consuming and at times intense discussions. After a successful first session, the Convention adjourned on 9 July 2004. Preparatory work is under way for the second session, soon to resume in the forthcoming open season.

25. A common desire among the delegates to ensure the success of the road map was evident in the first session. The outcome of the session justified the assessment of the road map as a pragmatic approach for a smooth transition to democracy.

26. The credibility of the Convention has never been questioned by any quarter within the nation except by NLD and its affiliate, the Shan NLD. The two parties declined the personally delivered invitations extended by the Convention convenors to participate in this important process. They have failed in their bid to sway public opinion away from supporting the National Convention.

27. The Government of Myanmar, in its communication of 18 September 2004, assured the Secretary-General of its unsparing efforts to ensure the success of the Convention which would lead to the successful drafting and an adoption by

referendum of a democratic constitution. Free and fair elections would then be held in which the people of Myanmar will elect leaders of their choice. The Government, under the new Prime Minister, again assured that all previous political commitments of the Government would be honoured. It should be noted here that the seven-step road map was conceived and implemented by the decision of the State Peace and Development Council and the Government formed by it.

28. Myanmar is fully capable of overcoming its national challenges. The international community could best help by allowing Myanmar to resolve domestic issues by itself.

IV. Cooperation with the United Nations

29. Cooperation with the United Nations is a cornerstone of Myanmar foreign policy. Myanmar firmly subscribes to the principles and purposes of the Charter of the United Nations including the principles of the sovereignty of States and that of non-intervention in the internal affairs of States.

30. Despite having dissociated itself from the yearly General Assembly resolution, Myanmar has welcomed the Special Envoy of the Secretary-General, Razali Ismail, for a total of 12 times during the past four years. This is ample evidence that the Government extends all possible cooperation to the Special Envoy in the exercise of his office. It extends cooperation in a similar manner to Special Rapporteur of the Commission on Human Rights, Paulo Sérgio Pinheiro. The latter has so far visited Myanmar for fact-finding missions on six occasions during the past four years.

31. Myanmar places high priority on cooperation with the United Nations. The Prime Minister of the Union of Myanmar has communicated to the Secretary-General important developments as they occur in Myanmar. The leader of the Myanmar delegation to the General Assembly sessions takes the opportunity to brief the Secretary-General on developments in Myanmar. The leader of the Myanmar Delegation to the fifty-ninth session of the General Assembly, the Minister at the Office of the Prime Minister and the Minister for Foreign Affairs also took the opportunity of their visit to the General Assembly session to brief the Secretary-General on developments and to exchange views with him.

32. Myanmar consistently cooperates with United Nations bodies on human rights issues. It provides information sought by United Nations bodies, such as the Commission on Human Rights, and its thematic rapporteurs. Staff of all 10 United Nations agencies in Myanmar are able to travel extensively and without hindrance throughout the country for the implementation of their respective programmes. Many independent non-governmental organizations operate in Myanmar, not only in urban areas but also in remote regions for the betterment of the living standards of the people.

33. The Government cooperates with ICRC by allowing unhindered prison visits throughout the country. ICRC is able to learn at first hand the situation of prisons by meeting with prison inmates in accordance with its standard procedures. Special Rapporteur Paulo Sérgio Pinheiro has commented positively on this in his interim report (A/59/311).

34. A 20-member Human Rights Committee with the Minister for Home Affairs as Chairman was formed in April 2000. The Committee is a forerunner of a

commission to be formed in accordance with recognized international principles. The Committee has since held a series of human rights workshops in various parts of the country with the cooperation and assistance of Australia, disseminating information on human rights standards for public officials nationwide. The dissemination process is being widened to benefit a greater range of citizens.

35. The Myanmar Human Rights Committee and the Office of the United Nations High Commissioner for Refugees (UNHCR) are cooperating on a programme of human rights law training for officials serving in the border areas. Five intensive workshops have so far been conducted in Yangon, Kayin and Mon States and Tannithayi Division. The Special Rapporteur has taken note of this positive cooperation in his interim report.

36. With regard to the rights of the child, Myanmar acceded to the Convention on the Rights of the Child in 1991, and promulgated the Child Law in 1993. It adopted rules and regulations relating to the Child Law in 2001. Subsequently, a National Committee on the Rights of the Child was established to effectively implement the provisions of the law.

37. Myanmar has already submitted its second national report to the Committee on the Rights of the Child (CRC/C/70/Add.21). A high-level Myanmar delegation participated in the thirty-sixth session of the Committee at Geneva in May 2004. It engaged in constructive positive dialogue with members of the Committee on Myanmar's second national report. The Government has invited a delegation of the Committee headed by its Chairman to visit Myanmar.

38. Myanmar has also adopted an "Education for All" national action plan. In addition, the Government has introduced human rights awareness lessons in school curricula nationwide as well as through workshops.

39. In July 2004, the Myanmar Supreme Court and the United Nations Children's Fund (UNICEF) organized a workshop on juvenile justice for senior policy makers in government. It was attended by the Chairman of the Committee on the Rights of the Child.

40. These are but some among the many activities related to promotion and protection of human rights of the citizens of Myanmar in cooperation with the United Nations.

V. Allegations of human rights violations

41. Myanmar is unjustly accused of systematic violations of civil, political, economic, religious, social and cultural rights, even of the right to development. The accusations are being levelled against Myanmar at a time when it is peacefully developing, emerging from years of isolation and successfully integrating into the region. The allegations originate from some Western quarters, aided and abetted by exiles and expatriates that would prefer to see a Myanmar that is in disunity and in conflict. Demands voiced for specific political measures and personalities are evidence of motives other than the desire to promote and protect human rights of Myanmar.

42. Myanmar truly recognizes the importance of human rights. The issue should be addressed on its own merits with objectivity, impartiality and non-selectivity. The

historical background and social, religious and cultural characteristics of the country must be accorded due consideration. Allegations and accusations that are aimed at discrediting any government for political purposes run counter to the promotion and protection of human rights.

A. Child soldiers

43. An interview by a freelance reporter with 25 or so insurgents inside a neighbouring country became the basis of a non-governmental organization report that claims there are some 70,000 child soldiers in the Myanmar national armed forces. This is a preposterous and far-fetched conclusion. The falsehood has found its way into the resolution on the situation of human rights in Myanmar and in the report of the Secretary-General on children and armed conflict.

44. The issue of child soldiers is being employed by some Western Governments and well-financed anti-government expatriate groups in a concerted emotional disinformation campaign aimed at creating an environment for the international community to bring political pressure upon Myanmar.

45. The Myanmar armed forces is an all-volunteer organization. The Defence Services Act of 1974 does not allow any enlistment below the age of 18 years. Policy and practice also do not permit this. No United Nations agency operating in Myanmar has verified the allegation.

46. Myanmar has a strictly enforced preventive programme that disallows child soldiers. A Committee for the Prevention of Military Recruitment of Under Age Children was established on 5 January 2004. The Committee consists of the Ministers for Foreign Affairs, Labour, Social Welfare and Home Affairs, the Judge Advocate General and two high-ranking officials from the Ministry of Defence. The Chairman of the Committee is the First Secretary of the State Peace and Development Council.

47. The Chairman of the Committee recently received the UNICEF Resident Representative in Yangon. The UNICEF Representative herself visited the army recruitment centre near Yangon, and together with the United Nations Resident Coordinator visited the army recruitment centre in Mandalay. They freely held discussions with military personnel concerned on recruitment matters and also with recruits.

48. A plan of action has been developed to realize the objectives of the Committee. It includes recruitment procedures, procedures for discharge from military service, reintegration into society, public awareness measures, punitive action to be taken against transgressors, reporting measures, submission of recommendations and cooperation with international organizations, including UNICEF, ICRC and the United Nations Resident Coordinator. The plan of action was adopted by the Committee on 5 October 2004.

49. Myanmar is not a nation in a situation of armed conflict. It is a nation at peace. It does not recruit child soldiers either as a matter of law, policy or practice. Myanmar will continue its cooperation with UNICEF, as well as with the Special Representative of the Secretary-General on Children and Armed Conflict.

B. Trafficking in persons

50. Myanmar views trafficking in persons as a grave issue confronting humankind. To combat this menace, it has put in place a comprehensive framework comprising national legislation, high-level commitment, a national plan of action and bilateral, regional and international cooperation.

51. Although there are several laws that adequately cover various aspects of trafficking in persons, a new law is being drafted in accord with the United Nations Convention against Transnational Organized Crime. Myanmar plays an active part in the Bali Process on the issue. Myanmar hosted the meeting of the six-nation Coordinated Mekong Ministerial Initiative against Trafficking in October 2004.

C. Allegations of rape and other forms of sexual violence

52. Allegations of rape and other forms of sexual violence, contained in expensive dossiers, are circulated by well-funded non-governmental organizations with links to armed terrorist groups and expatriate organizations. In May 2002, a so-called report entitled "License to Rape" was published by "Shan Human Rights Foundation" and "Shan Women's Action Network". In September 2004 yet another unheard of group calling itself "Women's League of Burma" (WLB) brought out a publication under the title "System of impunity". The WLB members are said to be non-governmental organizations of various races. In fact these non-governmental organizations are none other than bogus organizations misusing the names of the national races as a cover for their nebulous activities. The allegations are part of an anti-Government agenda and are in fact a propaganda war waged with ill intent to slander and discredit the Myanmar armed forces, and to cause disunity and distrust among the national races.

D. Forced labour

53. Myanmar has been cooperating with the International Labour Organization (ILO) in resolving the issue of forced labour. In the past, some provisions of the Village Act and the Towns Act, which it inherited from the British colonial authorities, were alleged to be in conflict with ILO Convention No. 29 concerning Forced Labour. To address the issue, Myanmar took the necessary legislative, executive and administrative measures and issued two legislative orders: Order 1/99 and Order Supplementing Order 1/99, thereby bringing domestic legislation in line with Convention No. 29.

54. At the invitation of the Government, an ILO technical cooperation mission visited Myanmar four times during 2001-2002. A high-level ILO team, led by a former Governor-General of Australia, Sir Ninian Stephen, also paid a successful two-week visit to Myanmar in September and October 2001.

55. An agreement between the Government and ILO in March 2002 has led to the appointment of an ILO liaison officer in Myanmar. With a view to eliminate vestiges of forced labour a joint plan of action was worked out between the two sides.

56. Myanmar for its part made known its political will and commitment to implement the plan in cooperation with ILO during the evaluation visit of the Special Advisor to the ILO Director-General, Francis Maupain, in March 2004. Yet the joint plan cannot be implemented because some are linking the implementation with irrelevant and extraneous political issues.

57. Recently nine persons were sentenced to death for the most serious crime of high treason. An allegation was sent to ILO, which stated that three of the nine had been sentenced to death because of contacts with ILO. The allegation is completely false. In fact the court has clearly ruled that under no circumstances do contacts and cooperation by a citizen with ILO or other United Nations organizations constitute a criminal offence.

E. Religious intolerance

58. Sadako Ogata, a leading United Nations personality, after her visit to the country cited Myanmar as a "model society" for religious tolerance. Yet some continued to allege religious intolerance in the country. Although Buddhism is the religion of the majority of the people, other religions such as Christianity, Islam and Hinduism coexist and flourish in Myanmar. The Government provides all necessary assistance to encourage and maintain inter-religious harmony and freedom of worship. As in previous constitutions, the fundamental principles of the new constitution will include similar guarantees against religious discrimination and intolerance. Religious feast days of all religions are gazetted holidays and senior leaders of the country participate in the celebrations of these feasts.

VI. Economic development

59. The Government inherited a centrally planned economic system that resulted in an alarming economic decline. After taking over State duties it resolved to meet the aspirations of the people and to build a modern nation step by step in a systematic manner. The tasks are enormous for a developing nation. To raise the economic and social life of the people, sufficient economic infrastructure is a necessity. From 1989/90 to 1991/92 the Government focused on restoring stability while implementing plans to halt the economic slide. The private sector was provided with opportunities to grow. From 1992/93 to 1995/96 the economy grew by 7.5 per cent annually. From 1996/97 to 2000/01 the economy grew by an annual 8 per cent. A third five-year short-term plan is in the course of implementation. During fiscal year 2002/03 the growth rate was 11.1 per cent.

60. Twenty-four special development zones among 14 administrative states and divisions are entrusted with special development plans, especially with tertiary education facilities. For balanced and proportionate development, universities and colleges were set up in 14 administrative states and divisions to serve the local population in capacity-building for long-term development. Initiatives for development of special zones, model village development, greening project and community development projects are also being implemented. Microcredit schemes for community development in remote townships of Kachin, Chin and Rahkhine States have been initiated.

61. The Government is giving top most priority to human resource development, and has been carefully nurturing intellectuals and the intelligentsia. There are now 156 universities and colleges nationwide compared with 32 in 1988. Information and communication technology is being developed as a practical and functional subject with applications in other disciplines and as a tool for the dissemination of information.

62. Information and communication technology-based learning and resource centres have been opened for basic education schooling to the university level. Universities now have access to e-library, Internet and Intranet services and can employ videoconferencing and web-based systems. Information and communication technology parks have been opened in both Yangon and Mandalay. E-passport, e-visa, smart card, e-commerce and e-government systems have been put into use in the country.

VII. Conclusion

63. The Government of the Union of Myanmar is fully committed to bringing about a transition to a peaceful, prosperous and modern democratic State. The transition to democracy has to be based on firm foundations.

64. The Government of Myanmar with this in mind has taken the first crucial step of the road map, the reconvening of the National Convention. It was reconvened on 17 May 2004 and following a successful first session adjourned on 9 July. With 1,088 delegates, it is the most inclusive and credible convention ever. The Government and the people have displayed the common desire for the success of the road map. There is no other alternative through which the aspirations of the people can be met.

65. At a time when Myanmar has revived unity among the 135 national races, is at peace within itself and is integrating into the region, it is odd and most perplexing that some Western countries in collusion with expatriates and exiles are mendaciously accusing Myanmar of human rights violations. They have not recognized, let alone supported, the restoration of peace and the cessation of armed conflict with various insurgencies. They are imposing unilateral sanctions upon Myanmar while ignoring the positive economic and social progress achieved. The glaring irony is that these unilateral sanctions hurt mostly the workers and the poorer and most disadvantaged of Myanmar society and constitute violations of the rights of such people. As a specific example, the Special Rapporteur has rightly documented 50,000 garment workers, most of them women, and sole family income-earners, who have lost their livelihoods by the callous unilateral sanctions imposed by a major Power, in contravention of World Trade Organization rules.

66. For its part, the Government remains steadfast in its endeavours to build a firm foundation for the people to enjoy a prosperous and democratic future.

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Letter dated 1 November 2004 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a note by the Permanent Mission of Belarus to the United Nations concerning the cooperation between Belarus and the Working Group on Arbitrary Detention of the Commission on Human Rights (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 105.

(*Signed*) Andrei **Dapkiunas**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Belarus to the United Nations

04-58947 (E) 081104 081104

Annex to the letter dated 1 November 2004 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

Cooperation between Belarus and the Working Group on Arbitrary Detention of the Commission on Human Rights

A convincing example of Belarus' active cooperation with the thematic special procedures of the Commission on Human Rights is the visit by the Commission's Working Group on Arbitrary Detention, which took place from 16 to 26 August 2004 at the invitation of the Government of Belarus.

During its visit to Belarus, the Working Group met with the Minister for Foreign Affairs, the President of the Supreme Court, the Minister of Internal Affairs, the Deputy Procurator-General, the First Deputy Minister of Justice, the President of the Bar Association of Belarus, the President of the Military Court and the President of the Commission on Legislation and Judicial and Legal Issues of the House of Representatives of the National Assembly.

The Working Group visited remand units of the Ministry of Internal Affairs, community public order units, district internal affairs departments, correctional institutions, agencies of the procuratorial system and courts in the cities of Minsk, Grodno, Gomel, Mazyr and Vitebsk. At the request of the Working Group, a visit was arranged to the village of Peskovtsy (Grodno oblast), where Y. Bandazhevsky is living in an open prison.

During the press conference that concluded the visit, the Chairperson of the Working Group Leïla Zerroügui (Algeria) noted the high level of cooperation between the Government of Belarus and the Working Group and the constructive approach taken to the formulation and implementation of the programme for the visit.

In particular, she commended the Government's efforts to develop appropriate legislation, characterized the situation with respect to asylum in Belarus as one of the best compared with other countries in the world and noted a range of other positive aspects relating to detention.

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Human rights questions

Letter dated 1 November 2004 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a note by the Permanent Mission of Belarus to the United Nations concerning the results of the parliamentary elections and referendum in Belarus (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 105.

(*Signed*) Andrei **Dapkiunas**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Belarus to the United Nations

04-58966 (E) 091104 091104

Annex to the letter dated 1 November 2004 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

Results of the parliamentary elections and referendum in Belarus: note by the Permanent Mission of Belarus to the United Nations

The elections to the House of Representatives of the National Assembly and the republic-wide referendum in Belarus demonstrated in convincing fashion the support of the Belarusian people for the policy of strengthening the sovereignty and independence of Belarus and further developing its democratic institutions.

The large number of international observers invited was a clear indication of the transparency of the electoral process in Belarus. The elections and referendum were monitored by a mission from the Commonwealth of Independent States (CIS), representatives of other international organizations and independent observers. Despite an official invitation from the Belarusian side, the mission from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) monitored only the elections owing to a lack of resources.

A total of 689 foreign observers were accredited from 53 countries, including observers from international organizations. The broad powers granted to them and to the local observers, the creation of conditions necessary for them to observe all stages of the election campaign without hindrance and the expansion of the mandate of the international observers who had monitored the preparations for the parliamentary elections to monitoring of the conduct of the referendum all demonstrate the Belarusian side's desire to ensure that the will of the citizens of Belarus was expressed through an open process.

The interaction with the international observers took place in a spirit of complete openness and cooperation, which was noted in the reports of both the CIS mission and the Office for Democratic Institutions and Human Rights of OSCE.

The Ministry of Foreign Affairs noted with satisfaction, in its statement of 19 October 2004, the objectivity and balance of the conclusions and the positive evaluation of the results of the elections and referendum contained in the statements by the CIS observer mission and the independent observers.

The CIS observers noted that the republic-wide referendum had taken place against the background of an unprecedented campaign of external pressure. They regarded the unfairly harsh statements, biased comments and negative assessments made by various officials and entities of a number of European organizations and the United States of America concerning the referendum called in Belarus as attempts to create a negative attitude in the world community and among international observers towards the outcome of the referendum before it was even conducted. In the opinion of the CIS observers, such actions vis-à-vis a sovereign State and its citizens are fundamentally wrong and run counter to the norms of international law. It is the inalienable right of any State to hold a national referendum.

The CIS international observers made their assessments and reached their conclusions solely on the basis of their own observations and their analysis of the

factual information gathered by them in the course of long- and short-term monitoring.

The election of deputies to the House of Representatives of the Belarusian parliament and the republic-wide referendum, held on 17 October 2004, took place amidst great interest and activity on the part of the citizens of Belarus. They were conducted in accordance with the provisions of the electoral laws in force and were free, honourable, legitimate and transparent.

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General Assembly

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2 November 2004
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Fifty-ninth session
Third Committee
Agenda item 105 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 1 November 2004 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to address to you a note from the Permanent Mission of the Republic of Belarus to the United Nations on the situation of human rights in the Republic of Belarus (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the General Assembly under agenda item 105.

(*Signed*) Andrei **Dapkiunas**
Ambassador
Permanent Representative of the Republic of Belarus
to the United Nations

04-58982 (E) 081104 091104

Annex to the letter dated 1 November 2004 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

On the situation of human rights in the Republic of Belarus: Note from the Permanent Mission of the Republic of Belarus to the United Nations

The Constitution of the Republic of Belarus proclaims the individual, the individual's rights and freedoms and guarantees of their realization as the highest aim of society and the State. The Constitution guarantees citizens such basic rights as the right to life, freedom, the inviolability and dignity of the person, freedom of opinion and convictions and their free expression, and also all other rights proclaimed in the Universal Declaration of Human Rights and other international treaties to which Belarus is a party.

In the Republic of Belarus, laws have been passed to develop and give practical expression to the provisions of the Constitution, the aim being to improve mechanisms for ensuring the rights and freedoms of citizens. The existing legislation is being continually improved to bring it completely into line with the country's international obligations in the field of human rights.

The Republic of Belarus condemns human rights violations wherever they occur and advocates constructive international cooperation to defend human rights on the basis of the principles of mutual respect and equal partnership.

The Republic of Belarus proceeds on the basis that the most important function of the State is to ensure all universal human rights. To fulfil its obligations the Government of Belarus is actively using both national resources and the potential of cooperation with international human rights bodies.

Using the defence of human rights as a means of advancing political and economic interests has no future and runs counter to the very idea of human rights. Unilateral measures taken by individual countries with respect to sovereign States may discredit the very principle of participation by the global community in ensuring the observance of human rights.

It is with regret that we now have to state that there is not a single country in the world where the human rights situation is ideal. Terrorism, the rise of intolerance and xenophobia, inequality in the realization of economic and social rights, manifestations of discrimination and racism, and the increasing number of statements by far-right groups are just some of the problems that now afflict Europe and the international community and require practical and effective measures on the part of Governments.

The human rights situation in the democratic society being built in Belarus is no worse than that in the so-called developed democratic countries.

Belarus is a conscientious party to all the basic international treaties in the field of human rights and cooperates fully with the international treaty bodies in this sphere.

In January 2004 the Committee on the Elimination of All Forms of Discrimination against Women considered the regular periodic report of Belarus on its implementation of the International Convention on the Elimination of All Forms of Discrimination against Women, and in February 2004 the Republic of Belarus fulfilled the commitment it had given the Committee by ratifying the Optional Protocol to the Convention, thereby recognizing the Committee's competence to consider individual complaints.

In August 2004 the Committee on the Elimination of Racial Discrimination considered the report of the Republic of Belarus on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

In the course of a single year, Belarus has fulfilled its obligations to submit reports to two competent human rights treaty bodies. The recommendations made in that connection demonstrate recognition of the genuine efforts Belarus has made to fulfil the commitments it has undertaken under international human rights treaties.

Belarus is open to a constructive and fair dialogue on the whole gamut of issues relating to the defence of human rights, and is actively cooperating with the special thematic procedures of the Commission on Human Rights. Thus, at the invitation of the Government of Belarus, the Special Rapporteur on the right to freedom of opinion and expression, Mr. Abid Hussein, paid a visit to Belarus in 1997. The recommendations contained in his report were taken into account by Belarus in the preparation of changes to the Press and Other Mass Media Act. The Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, paid a visit to Belarus in 2000.

The most recent example of Belarus' active cooperation with the special thematic procedures was the visit (from 16 to 26 August 2004), at the invitation of the Government of Belarus, of the Commission on Human Rights Working Group on Arbitrary Detention.

Thus, Belarus has fulfilled the intention it expressed during the sixtieth session of the United Nations Commission on Human Rights (held at Geneva from 15 March to 23 April 2004) to organize, by the end of 2004, a visit to Belarus by the United Nations Commission on Human Rights Working Group on Arbitrary Detention, and has extended all possible assistance to the Working Group in fulfilling the mandate entrusted to it by the Commission on Human Rights in 1991.

The Republic of Belarus has always confirmed in practice its adherence to the cause of defending human rights and stands ready to cooperate constructively with United Nations organs across the whole spectrum of human rights issues on the basis of the principles of universality, non-selectivity and objectivity.

United Nations A/C.3/59/9

General Assembly

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Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 11 November 2004 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I am writing with regard to your report to the General Assembly entitled "Human rights and unilateral coercive measures" (A/59/436). I would like to refer particularly to paragraphs 1 to 3 of the report.

This is not the first time that Azerbaijan has tried to mislead the international community by deliberately disseminating fraudulent and deceptive information. However, this time it has gone to the extent of absolute falsification. My Government considers the utilization of United Nations reporting mechanisms by Azerbaijan for its efforts to rewrite the course of events and distort the historic facts as unacceptable and contrary to the spirit and principle of this organization.

In the information provided for the report, Azerbaijan speaks about the so-called occupation of Nagorno Karabakh Autonomous Region by "Armenian armed forces" in 1988. The fact is that none of the Soviet republics had any armed forces at the time that could be used against one another or internally. The only armed forces that existed in 1988, that is, before the dissolution of the USSR, were those of the Soviet Union. Moreover, in 1988 there was no conflict area yet and there was no armed conflict in and around Nagorno Karabakh. There was a legal process initiated by the people of the Nagorno Karabakh Autonomous Region to peacefully resolve, within the existing legislation and constitution of the USSR, their long-standing claim to reverse the injustice done to them more than six decades earlier by the arbitrary decision of Stalin.

In the same spirit, Azerbaijan continues to claim that "there are now over 1 million refugees and displaced persons in Azerbaijan". This is despite the fact that the exact figure has been continuously and clearly given by the Office of the United Nations High Commissioner for Refugees in its reports of 2002[1] and 2004[2].

04-60571 (E) 151104

Finally, an attempt is being made by Azerbaijan to present the consequences of its own war against the people of Nagorno Karabakh as a "unilateral coercive measure". In fact, the reality is that it is Azerbaijan that has imposed a blockade on Nagorno Karabakh and Armenia, which has continued over 12 years now.

I should be grateful if you would have the text of the present letter circulated as a document of the fifty-ninth session of the General Assembly under agenda item 105 (b).

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

Notes

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12* (A/57/12).

[2] Ibid., *Fifty-ninth Session, Supplement No. 12* (A/59/12).

United Nations A/C.3/59/10

General Assembly

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18 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 100
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Identical letters dated 17 November 2004 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General and the President of the General Assembly

I have the honour to transmit herewith a letter from the refugees of the Northern Martakert and Eastern Martuni regions of the former Nagorno Karabagh Autonomous Region, as well as the Armenian populated territories of Shahumyan and Getashen, bordering Nagorno Karabagh (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the fifty-ninth session of the General Assembly, under agenda item 100.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

04-61606 (E) 221104

Annex to the identical letters dated 17 November 2004 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General and the President of the General Assembly

We understand that Azerbaijan is preparing to introduce a discussion at the General Assembly on "the situation in the occupied territories of Azerbaijan".

We are Armenians who were expelled from our homes in Northern Martakert and Eastern Martuni, in the former Nagorno Karabakh autonomous region as well as the territories bordering Nagorno Karabakh, such as Shahumyan and Getashen. There are more than 50,000 of us. (We are just a portion of the hundreds of thousands who were expelled from Azerbaijan's large cities, far from the conflict zone.) We were at the heart of the conflict zone. Indeed, as a result of the conflict, our homes, properties and regions were confiscated by Azerbaijan and remain under Azerbaijani control. We have been living as refugees for over a dozen years and continue to hope for the day when we will be able to return to our homes and lands.

We believe that if and when a discussion on the situation of the Nagorno Karabakh conflict zone is indeed presented for discussion at the General Assembly, it is essential for the discussion to include the situation and the needs and realities of all refugees in the entire conflict zone. War is traumatic and painful enough for all those affected, but to pick and choose which refugees should become the focus of concern and attention is morally cruel and politically short-sighted.

(*Signed*) Edik **Balayan**
Shahumyan-Getashen Patriotic Benevolent Association

(*Signed*) Petros **Meghryan**
Shahen Meghryan Foundation